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VIETNAM PERMITS ODP INTERVIEWING TO RESUME

In a surprise development, the government of Vietnam agreed last month to permit interviewing of new applicants to the long-disrupted Orderly Departure Program (ODP). The ODP was instituted in 1979 to provide a safe and legal avenue for Vietnamese to leave the country for resettlement elsewhere.

First reports about the decision were sketchy; a Vietnamese government official declined immediate comment, and then could not be reached by Refugee Reports prior to press time.

However, according to U.S. State Department sources, Immigration and Naturalization Service (INS) and consular officers will begin interviewing applicants in Ho Chi Minh City in coming weeks. Their presence there will mark a change, since interviewing used to be done by Bangkok-based Joint Voluntary Agency (JVA) staff on assignment in Vietnam under UN High Commissioner for Refugees (UNHCR) auspices. The new arrangement will obviate the need to forward case files to Bangkok for final review, a sometimes complicated and often time-consuming procedure.

Sources are hopeful that the streamlined processing will strengthen communication between governments and help avert snafus like the one which caused Hanoi to suspend interviewing of new cases in January 1986. Both governments then operated disjointedly as Hanoi's rate of issuing exit permits exceeded U.S. administrative capabilities. Ultimately, Vietnam complained that 22,000 Vietnamese whom it had cleared for exit and who had been interviewed under the program were stuck in a U.S. processing limbo.

Speculation varies over what brought about the end of the suspension. According to several sources, the fact that the United States has completed the processing of its stalled Vietnamese ODP caseload is a possible reason for Hanoi's action. They say there are only a "few thousand" applicants with unresolved cases, while approximately 90 percent of the others have won approval from the United States.

But a knowledgeable diplomatic source suggested that Vietnam may have wanted to preclude the complete shutdown of the ODP since the program is one of Hanoi's few links to the United States at a time when it is clearly interested in having normal Vietnamese/U.S.

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relations. Only U.S.-bound applicants who had been seen before 1986 have used the program during the last eighteen months, and U.S. State Department sources foresaw their depletion by fall.

Still, the Vietnamese decision surprised many. Until quite recently, officials in Washington spoke hesitantly about ODP negotiations which have been held sporadically since last year. Now, they project new cases leaving Vietnam within the next couple of months. Hanoi has already turned over the names of 4,000 persons with exit permits to U.S. officials who are said to be studying their cases. The United States, on the other hand, has submitted its own list of candidates for ODP departure. Details about the U.S. submission were unavailable, however.

Although ODP has remained functional, exits have slowed (see chart p. 20). While the U.S. processing backup has been a chief complaint of Vietnamese authorities, similar but smaller problems arose in the systems of other countries which, like the United States, take legal emigrants from Vietnam under UNHCR auspices. The diplomatic source cited earlier speculated that those tie-ups and the fact that Vietnam has been reorganizing the administration of its emigration policies may be the reasons behind decreases in non-U.S. departures. But it appears that even those exits are due to rise. For example, Tom Ryan, a Canadian official who oversees a national "family reunification program" with Vietnam--Canada's version of the ODP which has resettled more than 25,000 people--told Refugee Reports that his government has been given the impression by Hanoi that the reunification program is now "back on track."

Major Questions Left Unresolved Although many observers were encouraged by reports that the interviewing suspension has ended and that the governments of Vietnam and the United States appear to be considering more efficient ODP procedures, the ODP remains far from robust as an emigration mechanism. Apparently, no formal new agreements have been worked out between Hanoi and Washington, and the course of further negotiations remains unclear.

Moreover, a number of major questions are unresolved, not the least of which is how governments expect to agree on the basic caseload for the ODP. Up until now, Vietnam has been less than forthcoming about who has access to the program. One well-informed source in Southeast Asia contends that cumulative departure statistics suggest that Hanoi is making the ODP available mainly to ethnic Chinese, an unwanted population in Vietnam. Also, there is no sign that the anticipated revival of the ODP will significantly affect the fate of persons whom the United States claims are processing priorities. They include family reunification cases; political or so-called "reeducation prisoners" in Vietnam; and Amerasian children, sons and daughters of U.S. servicemen and their Vietnamese partners.

Reportedly, the vast majority of the 672,000 persons in the ODP computer file at the U.S. embassy in Bangkok represent reunification cases. In recent years, the United States has been criticized for increasingly treating ODP applicants as immigrants. Critics charge this disqualifies those who want to leave Vietnam because they fear persecution and bogs down the eligible refugees in the creaky bureaucratic engine that is immigration processing.

"This new policy has the effect of separating rather than reunifying families," Karl Zukerman, a spokesman for InterAction, an association of 108 U.S. private and voluntary organizations, told Congress on June 30.

Movement of Reeducation Prisoners Still Stalled Meanwhile, virtually no reeducation prisoners are emigrating via the ODP. Hanoi first offered to release inmates to Washington in 1982--approximately 8,000 are still believed held--but reneged when the United States said it could not guarantee that those freed would refrain from anti-communist activities. On July 14, the Washington Post quoted an unnamed diplomat predicting that Hanoi might release some prisoners "who would arouse interest in the West...over the next few months as part of an openness campaign," but U.S. officials and human rights advocates told Refugee Reports they had no basis to believe the account.

Reportedly, the visit of special U.S. envoy Gen. John W. Vessey, Jr. to Vietnam in early August failed to inject the issue with

U.S. ORDERLY DEPARTURE PROGRAM STATISTICS*

	ODP Arrivals in U.S. Oct. 1985 - May 1987	Cumulative ODP** Refugee Arrivals in U.S.	Cumulative ODP** Non-Refugee Arrivals in U.S.	Cumulative** Total ODP Arrivals in U.S.
No Subprogram Classification	3,247			
From RPC FY85 - Present		17,586	125	17,711
Prior to October 84*		15,659	7,900	23,559
Regular Subprogram				
Family Reunification	2,486	2,359	8,963	11,322
Former USG Employees	3	20	0	20
Others	7	35	0	35
Subtotal	2,976	2,414	8,963	11,377
Asian American Subprogram				
Amerasian Children	45	383	159	542
Accompanying Relatives	32	247	145	392
Subtotal	77	630	304	934
Re-Education Camp Subprogram				
Former Re-Ed Prisoners	20	23	93	116
Accompanying Relatives	80	80	245	325
Subtotal	100	103	338	441
TOTAL	5,900	36,392	17,630	54,022

* Chart based on U.S. State Department statistics.
**The ODP was created in 1979. However, significant arrivals to the United States did not begin until the early 1980s. These figures reflect cumulative ODP U.S. arrivals since its inception through May 1987.

any momentum. Vessey's primary goal was resolving the question of Vietnam-era American servicemen believed imprisoned or reported missing in action, but the former Joint Chiefs of Staff chairman was also prepared to discuss reeducation prisoners, Amerasian children, and the ODP itself, according to U.S. officials. Several lawmakers, including Sens. Claiborne Pell (D-R.I.), chairman of the Senate Foreign Relations Committee, and Edward Kennedy (D-Mass.), chairman of the immigration subcommittee, actively encouraged Vessey to take up such matters with Vietnamese authorities, while the Senate passed a resolution urging similar action. However, the New York Times has since quoted Vietnamese Deputy Foreign Minister Nguyen Dy Nien as saying that the reeducation prisoners were not discussed during Vessey's visit.

Most Amerasians Remain in Vietnam According to the paper, though, Nguyen also said the Amerasians were discussed and may be the topic of separate talks "in the near future." Yet, one well-informed source expressed frustration with the ministry official's forecast, noting that Hanoi has inexplicably shown no interest in addressing the subject of the children since last fall. At that time, the United States agreed to negotiate the Amerasians' fate bilaterally and thus, apart from the ODP, an arrangement Hanoi had long sought.

Time--something which social workers say works against the neglected, fragile identities of Amerasians left behind when the war ended--continues to accrue. Some 10,000 to 15,000 are still believed left in Vietnam, with the very youngest in their early teens. Only 41 arrived in the United States via ODP during the first eight months of FY 87.

After Congress passed weak Amerasian legislation in 1982, the U.S. State Department resorted to using the ODP as a means for admitting the children. But the Amerasians and the ODP have never mixed well. Vietnam has always chafed at the idea that Amerasians are accorded refugee status and at the processing strictures the children encounter under the program. Meanwhile, the United States, though happier with the ODP Amerasian component, has been worrying about fraudulent "family members" whom it suspects of tagging along with the children.

Even at the peak of their departures, Amerasians were leaving too slowly in the opinion of advocates.

New Amerasian Legislation Introduced Some movement is afoot again in Congress to remedy this. Rep. Robert J. Mrazek (D-N.Y.) introduced the Amerasian Homecoming Act (H.R. 3171) on August 6 that would, among other things, permit Amerasians in Vietnam and their family members to come to the United States as immigrants eligible for federal refugee benefits, unbound by admissions ceilings and unbarred by certain grounds for excludability. Rep. Thomas J. Ridge (R-Pa.) cosponsored the bill. Sens. Dale Bumpers (D-Ark.) and John McCain (R-Ariz.) introduced identical legislation in the Senate (S. 1601).

Noting that the Amerasians are "the moral responsibility of the United States," Mrazek told a Washington press conference that he hoped to get the legislation passed this year, and estimated it would cost as much as $20 million if all the Amerasians and family members eligible under the bill emigrate.

Responding to a question from Refugee Reports, Mrazek added that $5 million in beginning funding would be "new money" and not drawn from other refugee accounts, and he expressed confidence that further costs would be covered by supplemental appropriations. On August 6, the House Appropriations Committee approved the additional $5 million earmarked for Amerasian processing (see Recent Developments).

The U.S. State Department Bureau for Refugee Programs is reportedly raising objections that the proposed legislation would be a federal "budget buster." The Amerasian bill Congress passed in 1982 provided virtually no funds, a factor which helped make the measure ineffective.

Conditions in Vietnam Debated The announcement about the ODP was not the only news coming from Vietnam recently. The Washington Post ran a July series which focused on an atmosphere of reform, openness, and tolerance which has reportedly been spawned in the country since national leadership changes occurred several months ago.

"Vietnamese officials and Western diplomats...agreed that the changes...are driven mainly by a desperate need to rescue the country's failing economy," Post correspondent Keith B. Richburg observed, drawing upon a two-week visit to Hanoi, Ho Chi Minh City, and surrounding provinces.

However, the U.S. State Department, as well as groups such as Asia Watch and Amnesty International, remained unimpressed by such assessments.

"We are not aware of any significant changes that would give us any reason for optimism," U.S. State Department Bureau for Human Rights spokesman Thomas Murphy told Refugee Reports. Murphy contended that essentially the same type of government rules that was described in a 1985 U.S. State Department report on Vietnam. That document charged that "once the communists solidified their control, they immediately suppressed all vestiges of personal identity, individual expression, and thought. Even today, those who resist the State's rigid control risk losing their lives."

U.S. officials also took pains to characterize Vessey's visit as a humanitarian mission, and not a step toward establishing diplomatic relations between the two countries, something Vietnam is known to want. Yet, according to the New York Times, Vietnamese officials expect to open talks with the United States on Vietnamese problems stemming from the Vietnam War, a topic which U.S. officials have avoided so far.

In addition, the Post, as well as network news broadcasts, reported a new Vietnamese openness toward expatriates who are interested in returning home for visits. A U.S. State Department source claimed no knowledge of interest on the part of Vietnamese in the United States in such trips, but Canadian government spokesman Ryan said he was getting "a lot of calls from people interested in returning."

Vietnamese Boat Arrivals Continue Despite the news about liberalizations, people still escape from Vietnam in significant numbers, with some asylum countries such as Thailand and Malaysia seeing sharp increases in boat arrivals.

Through the first eight months of FY 87, escape boats landed at a pace slightly faster than last year's, when a total of 20,592 boat people arrived in various Southeast Asian countries. Observers disagree about exactly how the ODP interviewing morator-

Amerasian girls in the Philippine Refugee Processing Center, Bataan, look forward to life in the United States. Paul Tanedo

ium affected boat flows, but at least concede that it could only have fueled interest in escapes.

According to a well-informed diplomatic source, 83 percent of 72 boats that arrived in Thailand in June bore passengers who knew of the ODP, but chose to escape illegally. Significant numbers of heads of families, he indicated, felt they were either unqualified for the ODP, saw the waiting period for the program as unreasonable, or were unaware of ODP procedures.

Update

° Death squad activities have resumed in El Salvador, according to Amnesty International. In mid-April, the body of Antonio de Jesus Hernandez Martinez, secretary general of the National Association of Agricultural Workers, was found near San Luis de la Reina. His body showed signs of torture, Amnesty International reported.

On June 15, the Brigada Maximiliano Hernandez Martinez, one of El Salvador's most notorious death squads, issued a list of university teachers and students and announced that unless they left the country within two days they would be executed.

Also in mid-June, three peasants were brought to the Rosales Hospital in San Salvador with deep machete gashes, caused, they alleged, by soldiers of the Fourth Infantry Brigade who, they said, detained and tortured them during interrogation.

° Honduras has requested the United States to resettle nearly 30,000 Nicaraguan refugees now in Honduran refugee camps, according to the July 15 Miami News. Leo Valladares, senior advisor for refugees and human rights in the Honduran Ministry of Foreign Affairs, reportedly made the request of American officials during a visit to Washington, D.C.

Valladares reportedly said, "Have no doubt about it. To the extent that we can, we will give them all to you."

State Department refugee officials told Refugee Reports that they were unaware of the request. Places for 1,000 non-Cuban refugees from Latin America had been included in the regional ceiling for refugee admissions at the beginning of the fiscal

year. Thus far, only 30 Nicaraguan refugees have been approved for U.S. admission, all of whom came from Costa Rica.

Ramiro Figueroa, deputy chief of mission at the Honduran embassy in Washington, D.C., told Refugee Reports that no formal proposal was made to the United States, but rather that discussions were held with the United States and other countries requesting both assistance and resettlement.

Figueroa also expressed concern about the future of the contras in his country in the event that U.S. aid to them is cut. He said, "They are not welcome in Honduras. They represent an armed political group, which is a social problem for us."

In the meantime, the August 12 Christian Science Monitor reported "a spate of recent clashes between Hondurans and Nicaraguan refugees." Those incidents included an attack by a group of refugees on a Honduran landowner who had detained a refugee in a dispute over firewood. In response, the Honduran military placed armed guards around the refugee camp near Jacapeapa, a town about 50 miles from the Honduran capital.

° On July 21, the House of Representatives approved a proposal that would allow Cuban political prisoners who had spent any time in Cuban jails to be admitted to the United States as refugees.

The proposal, passed as an amendment to the FY 88 and 89 State Department authorization bill, would broaden current policy, which only admits former long-term political prisoners who had spent at least 10 years in Cuban prisons.

° Governor George Deukmejian of California has vetoed an extension of the state bilingual education law, which will likely result in less foreign language instruction in California schools. The governor's action will allow local school districts to decide how to educate students with limited English skills (see Report Reports, Vol. VIII, No. 1).

The bilingual education law, which expired on July 1, had required a bilingual teacher for every class having 10 or more students who do not speak English.

In a related development, United Teachers-Los Angeles, a 7,000-member teachers union, voted August 11 against bilingual education, and in favor of predominantly English instruction known as "immersion", in a nonbinding referendum. Los Angeles, with 159,000 limited-English-proficiency students, has had the largest bilingual education program in the United States.

° An immigration efficiency bill, H.R. 2921, was introduced on July 13 by Rep. Romano L. Mazzoli (D-Ky.), chairman of the House subcommittee on refugees, immigration, and international law. Among other things, the bill would remove the current one-year waiting period for refugees to be admitted as permanent residents. Refugees would be accorded permanent resident status immediately upon admission, according to provisions of the bill. The bill would also require the Immigration and Naturalization Service (INS) to release on bond or parole aliens in deportation and exclusion proceedings, unless they pose a danger to the community or are likely to abscond. The bill, if approved, would clarify congressional intent that detention of aliens in INS proceedings is for these purposes only.

Since 1981, INS practice has been to detain all aliens arriving without proper travel documents and to allow parole only for "emergent reasons" such as serious medical conditions or when their release would be deemed in the "public interest" by the Attorney General.

The bill is similar to a measure that passed the House last year (see Refugee Reports, Vol. VII, No. 10).

° On July 13, Rep. Mazzoli also introduced a "temporary safe haven" bill that would specify grounds for granting extended voluntary departure (EVD) status. According to the bill, H.R. 2922, aliens could be authorized to remain temporarily if they meet any of three criteria: 1) physical danger due to armed conflict; 2) environmental disaster; or 3) U.S. national interest, taking into account international, humanitarian, and immigration concerns. The bill is cosponsored by Patrick L. Swindall (R-Ga.) and Hamilton Fish, Jr. (R-N.Y.), ranking minority member and member, respectively, of the House subcommittee on refugees, immigration, and international law.

In introducing the bill, Mazzoli said that EVD has "the shakiest of legislative foundations," is decided by an "utterly mysterious" process, and that EVD decisions

are "neither publicized nor accompanied by an explanation of how and why they were made." He said, "It is my hope that if a generic bill of the type we are introducing today is enacted into law there will be no need in the future for this body to consider legislation like H.R. 618 [the Moakley/DeConcini bill]." (See Recent Developments and Resources.)

° A peace accord signed by India and Sri Lanka on July 29 included a provision calling for the repatriation of Tamil refugees in India. More than 125,000 Tamil refugees are believed to be living in India. The U.S. Committee for Refugees called upon both governments to invite the UN High Commissioner for Refugees (UNHCR) to monitor and assist in any voluntary repatriation program. USCR Director Roger P. Winter issued a statement saying, "In the absence of an international presence by UNHCR in both India and Sri Lanka, Tamil refugees are, in effect, denied a voice in deciding their fate."

° On July 12, a boatload of 174 Indians, most of whom were Sikhs, landed in Canada seeking refuge. The arrival of the Sikh asylum seekers, believed to have transited via the Netherlands, has contributed to a public backlash towards asylum seekers, according to observers. "Ninety-nine percent have said, 'Send them back,'" Immigration Minister Benoit Bouchard was quoted as saying. Parliament was recalled from its summer recess August 11 into emergency session in order to consider special legislation to restrict access of asylum seekers (see Refugee Reports, Vol. VIII, No. 6).

° On July 30, Rep. Don Ritter (R-Pa.) introduced House Concurrent Resolution 169 which would express the sense of Congress that President Reagan should establish a "defector pipeline" for Soviet soldiers in Afghanistan. The resolution calls upon the administration to admit Soviet POWs and defectors from Afghanistan and grant them political asylum in the United States. Resolutions do not carry the force of law.

° Amnesty International has reported the forcible return--refoulement--by Turkey of at least 10 cases of Iranian refugees during the past six months. The human rights organization announced June 18 that it believed the true number forcibly returned may be higher. AI reported knowing of "scores of cases of Iranians summarily returned to Iran by the Turkish authorities without their claim for asylum having been examined by the competent authorities, or by representatives of the UNHCR." AI noted that it has received reliable reports of about 400 such cases since October 1986.

° A number of prominent Soviet dissidents and refuseniks have recently been granted permission to exit the country. Danylo Shumuk, a 72-year-old Ukrainian writer, who had spent a total of 42 years as a political prisoner--under the governments of Poland, Nazi Germany, and the USSR--was released from prison this year and permitted to join relatives in Canada.

On August 6, Valdimir Feltsman, a renowned concert pianist, left for the United States after an eight-year wait. Feltsman is one of a growing number of Jews given permission to leave. In July, 807 Jews were allowed to leave the USSR, bringing the total so far this year to 3,899.

According to the Intergovernmental Committee for Migration (ICM), 236 of the Jewish emigres went to Israel, the highest monthly total since 1980.

On July 16, four Soviet Jews flew to Israel via Bucharest, Romania, the first Soviet Jews to use the Moscow-Bucharest route. Up until now, Soviet Jews have exited via Vienna, Austria. An Eastern European route for Soviet Jews has been advocated by Israel as a means of preventing would-be immigrants from "dropping out" and going to the United States rather than Israel (see Refugee Reports, Vol. VIII, No. 4).

° On July 2, the federal Board of Immigration Appeals (BIA) ruled that if a refugee fails to adjust his status a year after arrival and subsequently is convicted of a crime involving moral turpitude, he can be tried in exclusion proceedings. The case involved a 23-year-old Vietnamese refugee convicted of assault and first degree burglary who had failed to present himself to an immigration officer one year after arrival to be considered for lawful admission as an immigrant. Despite a five-year delay, the man was never notified to appear for

examination for adjustment of status. "The obligation to return for inspection is...on the alien," said the BIA. The BIA noted that the refugee had said that the failure to notify him violated his constitutional right to due process. However, the BIA observed, "An alien in exclusion proceedings does not have a right to due process under the Constitution unless reentering as a permanent resident."

° In the first week of August more than 1,000 Vietnamese refugees from China arrived in Hong Kong in 23 boats, according to Reuters. Some 3,000 Vietnamese refugees resettled in China have arrived in Hong Kong so far this year, compared to 114 all of last year. The government of Hong Kong has called upon China to restrict the movement of Vietnamese refugees there and has announced that Vietnamese refugees arriving from China would not be considered for resettlement in third countries, Reuters reported.

Recent Developments

HOUSE APPROPRIATIONS COMMITTEE APPROVES REDUCED BUDGET FOR REFUGEES

On August 6, the House Appropriations Committee approved, by voice vote, a budget of $319.45 million for the Migration and Refugee Assistance portion of the State Department's FY 88 foreign assistance request. The approved amount, which is predicated on an FY 88 admissions level of 55,000, is $27 million less than that appropriated during FY 87, when the refugee admissions ceiling was set at 70,000.

Despite the reduction from last year, the amount appropriated was $5 million more than the administration requested. The additional $5 million is to be used for resettlement "processing costs" of Vietnamese Amerasians, contingent on passage of legislation for their "expedited resettlement" (see lead story).

The measure, H.R. 3186, also earmarks $25 million "to be used for the continuing increase in Soviet, Eastern European, and other refugees resettling in Israel." The administration requested $10 million for this purpose. According to a State Department source, "The overall impact of that earmark would be a $15 million reduction in nonearmarked funding."

Several voluntary agencies involved in refugee resettlement, fearing that reductions would fall on refugee admissions and assistance programs, wrote a letter on August 4 to Rep. Jaime L. Whitten (D-Miss.), chairman of the House Appropriations Committee. The letter said, "The combination of the level of funding and the earmarking... will endanger first asylum for refugees in Southeast Asia by forcing a curtailment of resettlement for an estimated 8,000 refugees, limit U.S. flexibility to respond to urgent needs of hundreds of thousands of refugees in Africa, including southern Africa, and potentially reduce care and maintenance of Afghan refugees in Pakistan."

Congressional earmarking was also criticized in a June 11 speech by Jonathan Moore, U.S. Coordinator for Refugee Affairs. "When earmarking is imposed on inadequate budgets," he said, "the odds increase for real shortages for refugees which do not get privileged treatment, and the specter of discrimination casts its shadow over the whole process."

The House measure now awaits a floor vote. The Senate has yet to consider foreign assistance appropriations. Congress returns from recess on September 9.

NICARAGUANS HOPEFUL, WAITING, FOLLOWING ATTORNEY GENERAL'S ANNOUNCEMENT

The mood of the Nicaraguan community in Florida is one of hopeful--and, at times, anxious--expectation, following a July 8 announcement by Attorney General Edwin Meese III that Nicaraguans with "a well-founded fear of persecution" would not be deported.

The Attorney General's announcement also called for the granting of work authorization to every Nicaraguan entitled to it and ordered that the process be expedited. The announcement also encouraged Nicaraguans whose claims for asylum had been denied to reapply under the more liberal standards of the recent Supreme Court decision in the Cardoza-Fonseca case. Meese further called upon the INS to "encourage and educate Nicaraguans who may be eligible for legalization under the Immigration Reform and Control Act to apply."

After the Attorney General's announcement, "Nicaraguans here were out celebrating, as might be expected," said Monsignor Bryan Walsh, director of Catholic Charities in Miami. Walsh said that prior to the announcement, the prospect of employer sanctions against those who hire undocumented aliens had created "an extremely serious situation for 70,000 men, women, and children with no means of support." He said that people were being dismissed from their jobs and beginning to feel desperate.

"The announcement averted a major crisis in this community," he said. Walsh added, however, that the community is still waiting to see how it will be implemented. "The announcement itself has eased the crisis," he said, "but whether the crisis will be solved will depend on its implementation."

Some in the Nicaraguan community are beginning to express impatience with delays in work authorization. "We are waiting for something concrete," said Martha Cardenal, president of Hermandad Nicaraguense, a non-profit organization helping new arrivals from Nicaragua. "This is taking longer than we thought.

Cardenal said, "Nicaraguans who go to the Immigration and Naturalization Service (INS) for work permits are being turned away. They are not being given any indication of what to do."

A local Nicaraguan attorney, Nancy Rodriguez, told Refugee Reports that she is receiving 50 to 100 calls per day from Nicaraguans asking how to get work permits. She said that requests she had submitted for asylum interviews 8 to 10 weeks ago are only now being scheduled for interviews. She said that the INS office in Miami is understaffed.

Ligia Guillen, president of the Association of Nicaraguan Writers and Artists, said, "I have illegals in my office right now who don't know where to go for help."

These statements were disputed by Perry Rivkind, INS district director in Miami, who told Refugee Reports, "There is no avalanche here. We are reviewing asylum claims as we always have. I haven't heard of any backups."

Fees Present Problem for Many Nicaraguans

The Attorney General's announcement comes at a time when immigration counselors in the Miami area are proliferating, as a result of the new immigration law. Since the announcement, Nicaraguans have been approaching them for help to obtain work authorization. Inge Houston, a Nicaraguan staff writer with The Voice, a newspaper of the archdiocese of Miami, said, "A lot of offices claiming to process papers are springing up to exploit people, but the INS office is not ready and people are left hanging in the air."

Since Nicaraquans would still be required to file for asylum under the terms of Meese's announcement, several community leaders expressed concern about the fees still needed to file the asylum applications that could result in work authorization.

"Nicaraguans here illegally have no money for anything," said Guillen. "No money to pay lawyers to file asylum claims."

Critics Charge Situation Unchanged

Maritza Herrera, executive director of the Nicaraguan-American Foundation and president of the Nicaraguan Women's Civic Association, said that the Attorney General's announcement is "nothing special" and "business as usual." She said that much of the initial excitement about the announcement was due to misunderstanding and misinformation. She noted that the announcement does not define the term "qualifying" for purposes of obtaining work authorization. "I just went to the INS office last week with a person trying to get work authorization. They said, 'You have to be patient.'"

Lack of clarity about the announcement was also criticized on the floor of the House of Representatives by Rep. Claude Pepper (D-Fla.), whose district includes many Nicaraguans. "It is not clear," he said, "if the Attorney General's order is a restatement of current U.S. policy or if it is a new policy. It is not clear how it is to be implemented. In practice, it seems to be a mere restatement of current U.S. policy--demonstrate a well-founded fear of persecution or be deported."

Citing the case of a group of Nicaraguans in INS detention who were told by INS that they would not be released, Pepper said they were told that "the order is being considered by INS as a reaffirmation and strengthening of existing policy."

Pepper continues to see the need for a legislatively invoked stay of deportation and voted in support of the Moakley bill on

July 28. Unlike the announced position of the Attorney General, which would still require an individual finding that the alien has a well-founded fear of persecution before granting asylum, the bill before Congress would grant a temporary stay of deportation to all Nicaraguans--and Salvadorans--present in the country. Under the terms of the bill, a suspension of deportation would not in itself mean a grant of asylum, which brings more permanent status; those wanting the more secure asylum status would still have to have their cases individually determined (see Recent Developments).

Within the Nicaraguan community, the differences between the administration's position and that of the Moakley/DeConcini bill are not well understood. "A majority of Nicaraguans believe it is not necessary to fight for anything more," said Herrera, a supporter of the bill. "When I start talking to people, they say we already have [EVD] status."

# # #

As we were going to press, Refugee Reports received a copy of a memorandum from the INS central office to district directors and field offices. The cable gives instructions for implementing the Attorney General's announcement concerning Nicaraguans.

The memorandum says that Nicaraguans seeking work authorization must file for asylum. Persons filing non-frivolous asylum applications, the memorandum says, should be interviewed by INS district directors "as promptly as possible and work authorization should be granted for the period necessary to adjudicate the case." Employment authorization should not exceed one year. If interviews cannot be scheduled within 60 days, the memorandum says, employment permission should be granted immediately.

Motions to reopen or reconsider denied asylum applications should be accepted according to the new asylum standard articulated in the Supreme Court Cardoza-Fonseca case.

Persons in unlawful status who appear at INS offices seeking to file asylum requests, the memorandum states, "should have their claim adjudicated by the district director, and not be placed in deportation proceedings." Persons apprehended or applying for admission to the United States "shall be processed in accordance with existing regulations," the memorandum says.

Finally, the memorandum says that "no final order of deportation for a Nicaraguan shall be executed until the case is reviewed by Central Office."

BILL TO PREVENT SALVADORAN AND NICARAGUAN DEPORTATIONS PASSES HOUSE

A bill that would temporarily suspend deportations of Salvadorans and Nicaraguans passed in the House of Representatives by a 237-to-181 vote on July 28 . Similar legislation passed by a 9-2 vote in the Senate Judiciary Committee on July 15, and now proceeds to the Senate floor.

Lively debate on H.R. 618, the Moakley/DeConcini bill, preceded the July 28 vote.

Rep. Daniel E. Lungren (R-Cal.), a prominent opponent of the bill, said that generalized conditions of violence are not a sufficient basis for such open-ended legislation. He said that nondeportation in the form of extended voluntary departure (EVD) would be granted to everybody under the bill, "irrespective of whether or not they would be the subject of violence or go into an area that is the subject of violence, no matter why they came here, as long as they got here before the effective date of the bill."

Lungren also said that El Salvador has been the second largest source of illegal immigration to the United States for more than 30 years and that the bill would undercut immigration control efforts under the newly enacted immigration law.

Another opponent of the bill, Rep. Hamilton Fish, Jr. (R-N.Y.), said that time has overtaken the need for the bill. "Statistics indicate that civilian deaths from indiscriminate violence have dropped significantly from 1980," he said.

Fish said, "Most areas in El Salvador are not unsafe and Honduras provides safe refugee camps open to all Salvadorans seeking haven." Fish spoke of a recent visit he made to Central America, and reported that thousands of Salvadorans in the Mesa Grande refugee camp in Honduras are demanding an early return to their country.

Moakley Cites Salvadoran Human Rights Violations The bill's sponsor, Rep. Joe

Moakley (D-Mass.), disputed Lungren's point that Salvadorans were largely economic migrants by citing Census Bureau statistics to the effect that the influx of Salvadorans to the United States has coincided with stepped up human rights violations in that country.

Moakley added that human rights violations continue in El Salvador, including targeted and, on occasion, indiscriminate killings from both the government and the guerrilla forces. He spoke of the resurgence of death squads (see Update), and further noted that as a result of the war and last year's earthquake, nearly 1 million Salvadorans have been displaced within the country.

He said, "Not all Salvadorans who leave their country come to the United States. Many thousands are in Mexico, Costa Rica, Belize, and Honduras. Many are living in prison-like refugee camps, and are not allowed to venture beyond the gates. They are forced to live like prisoners."

Rep. Bill McCollum (R-Fla.), on the other hand, said, "We are not having human rights violations of any significance in El Salvador." He said that rather than tell the world we think there is a problem down there, "We ought to be telling the world about how wonderful the democracy is indeed progressing in El Salvador."

Others questioned inclusion of both Salvadorans and Nicaraguans in the same bill. Rep. Don Ritter (R-Penna.) said, "I just do not see why we are lumping refugees from communist Nicaragua in the same bill with refugees from a budding democracy like El Salvador."

Rep. Rick Boucher (D-Va.) responded that "there is a well-reasoned symmetry in the bill--a symmetry which provides for equal treatment of Nicaraguan and Salvadoran refugees." He said the bill's strength is that it provides "equal treatment for those who have fled war and bloodshed in their homelands."

Another frequently raised point in opposition to the bill was that those genuinely fearing persecution can apply and receive political asylum. As the ranking minority member of the House subcommittee on refugees, Rep. Patrick L. Swindell (R-Ga.), argued, "Those who can prove their lives are endangered, can already apply for political asylum." He added, "The truth of the matter is...what has brought these people here is...jobs."

But supporters of the bill contended that the very reason the bill is needed has been the failure of the asylum process to treat Central Americans fairly. Rep. James M. Jeffords (R-Vt.) said, "Ideally, refugee cases should be reviewed on a case-by-case basis and the deserving ones granted political asylum. Unfortunately, other considerations seem to have crept into the review process for Salvadoran refugees."

Jeffords pointed out that so far this year, 3 percent of all Salvadoran requests for asylum have been granted, as opposed to 88 percent of Nicaraguan applications. He said that thousands of deserving cases have been denied, "leaving many individuals in an untenable position." Jeffords said that in view of the current situation, "we have no choice but to suspend deportation until there can be a thorough review of the applicability of EVD status."

COURT RULES AGAINST DEPORTATION OF SALVADORAN TORTURE VICTIM

The fact that a Salvadoran apprehended by the Immigration and Naturalization Service (INS) lied about his nationality to avoid deportation to El Salvador cannot be held against him as a basis for denying asylum and ordering his deportation, according to a July 14 ruling by the U.S. Court of Appeals for the Ninth Circuit.

Hugo Turcios, a medical student in San Salvador, was arrested by armed and uniformed officers of the Salvadoran National Police on July 20, 1977. He testified that he was beaten, choked with a wire, subjected to electric shocks, had a gun stuck in his mouth, and was threatened with death. He was forced to sign a blank page which he believed the police would use to create a false confession. During his imprisonment he was kept in a basement cell without light, clothes, or a blanket, and was given food and water only once every three days. He was not allowed to see his family. Turcios testified that from his cell he could hear the screams of other prisoners being tortured.

According to Turcios, he was never brought before a judge, but one midnight was taken by the police to the Guatemalan

border and released. He reentered El Salvador to see his family and show them he was still alive and to get medical treatment. He obtained a passport and fled the country on March 7, 1978. He entered the United States illegally the same month. He was subsequently arrested by the INS three times, but told the immigration service that he was Mexican to avoid being deported to El Salvador.

Court Rules Credibility Not Necessarily Compromised by Having Lied In a decision upheld by the Board of Immigration Appeals (BIA), an Immigration Judge (IJ) had denied Turcios' asylum claim on the basis of a failure to establish his credibility. Turcios' lack of credibility was based in part on his admission that he had lied about his nationality by saying he was a Mexican and for his "repeated violations of the Immigration Laws."

The ninth circuit court ruled, however, that "Untrue statements by themselves are not reason for refusal of refugee status." The court said that examiners need to evaluate such statements "in the light of all the circumstances of the case."

In Turcio's case, the court held, "misrepresentations are wholly consistent with his testimony and application for asylum: he did so because he feared deportation to El Salvador."

The IJ had also placed great weight on the fact that Turcios returned to El Salvador and obtained a passport before fleeing the country. The IJ reasoned that if the government had wanted to rearrest Turcios, it would not have issued him a passport.

The ninth circuit determined, "The mere possession of a valid national passport is no bar to refugee status." In fact, the court said, issuing the passport would achieve the government's purpose in ridding itself of an opponent. The court reasoned, "The IJ presumed that a government that allows a person to leave will not persecute him, but persecutors may want to eliminate their political opposition by allowing them to leave."

The INS had argued that Turcios' application was insufficient because of a lack of corroborative evidence to support his testimony. The court, however, found that "Authentic refugees rarely are able to offer direct corroboration of specific threats or specific incidents of persecution." It stated that "an alien's unrefuted and credible testimony may be sufficient."

The ninth circuit said that Turcios testified in great detail about his arrest, torture, confinement, and release, and that his story was corroborated by the fact that he abandoned his studies and fled the country.

The court found that Turcios met the strict standard of a "clear probability of persecution" which prohibits the Attorney General from deporting Turcios to El Salvador.

While the court can prohibit deportation, a grant of asylum is still under the discretion of the Attorney General. According to a recent Supreme Court ruling in the Cardoza-Fonseca case (see Refugee Reports, Vol. VIII, No. 3), the Attorney General has the discretion to grant asylum according to the more lenient standard of a "well-founded fear of persecution."

The court remanded the asylum claim to the Attorney General in order for him to exercise his discretion, but offered its view that "Because Turcios has established a clear probability of persecution [for purposes of withholding deportation], he has also demonstrated a well-founded fear of persecution for purposes of asylum."

CENTRAL AMERICAN ACTIVISTS TERRORIZED IN LOS ANGELES

Salvadoran and Guatemalan refugees in Los Angeles, many of whom fled from death squad threats and attacks in their home countries, are now reporting being the victims of similar threats and intimidation here.

On July 7, Yanira, a Salvadoran activist, was kidnapped, tortured, and raped by men who questioned her about her political activities. She had received threatening phone calls in June.

On July 10, another Salvadoran activist, Mercedes Salgado, on her way to a press conference to denounce Yanira's kidnapping and torture, found her car windows smashed.

On the same day, Marta Alicia Rivera, one of the few Salvadorans to have received political asylum in the United States, in part because she was able to establish that she had been tortured there, received a death threat in the form of a letter which

included a list of 11 activists and refugees targeted for death.

For the next week, members of the Salvadoran exile community in Los Angeles reported threatening phone calls, vandalism, written death threats, and being followed. These incidents included a death threat mailed to a priest, Father Luis Olivares, signed "E.M.l"--the initials for "escuadrone de la muerte" (death squad), which is how similar death threats to priests in El Salvador are signed.

On July 17, Anna Maria Lopez, a Guatemalan woman on the way to a meeting of the Guatemalan Cultural Committee at the First Unitarian Church in Los Angeles was abducted by men with Salvadoran accents, held for four hours, questioned about her activities, and warned to stop associating with Salvadoran activists.

City, Feds Investigating On July 23, Los Angeles Mayor Tom Bradley called upon the city council to offer a $10,000 reward for information leading to the conviction of those who have committed "apparently politically motivated crimes against Central Americans," according to a report in the Los Angeles Herald Examiner.

A number of law enforcement agencies are cooperating in the investigation of these incidents, including the FBI, the postal inspector, and several divisions of the Los Angeles Police Department, including the anti-terrorist division.

"We are pursuing a vigorous investigation," Lt. Dan Cooke of the LAPD told Refugee Reports.

Police, Victims, Mutually Suspicious Many of the groups and individuals who have been victimized have also been involved in political activities, such as the sanctuary movement, which have come under the scrutiny of local and federal law enforcement agencies. (See Refugee Reports, Vol. VIII, No. 6 for a discussion of FBI and INS infiltration of the sanctuary movement and political exile groups.) This has caused great suspicion of law enforcement personnel by some of these groups, particularly in southern California and the southwest.

"The police and the FBI in the past haven't been particularly sympathetic," said Christine Woodard, a member of the First Unitarian Church who works closely with the Guatemalan Cultural Committee. "Now we're in an awkward position asking for their help."

Woodard said that the First Unitarian Church, a center for political activism, especially for Central American groups, had previously been infiltrated by the police department. "People don't expect the police and the FBI to get to the bottom of this," she said.

The suspicions are mutual. Police spokesman Cooke told Refugee Reports that the police have often not been notified of these threatening incidents directly, but rather learn of them through press conferences. He said that in the first incident involving the rape and torture, the initial investigation included "no word of a political connection." Cooke said, "Not until a press conference was held two days later did we learn there was any political connection."

Cooke said, "This raises questions in our minds. What does all this mean? It could just be a fear of police from where they come from, but I hope they no longer have that." (See Refugee Reports, Vol. VII, No. 8 for a lead story on refugee-police relations, which examines the reluctance of refugees from other nationalities to report crimes to the police.)

In the meantime, Cooke said, "We have no idea whether the reports are factual, yet alone linked."

Linton Joaquin, executive director of the Central American Refugee Center (CARECEN) and Yanira's lawyer, said, "In general there hasn't been a long delay in reporting to the police."

He said that the refugees tend to report first to organizations such as CARECEN and are reluctant to talk to the police. When asked by Refugee Reports about Lt. Cooke's comment about the failure to notify the police of a political connection to the rape-kidnapping, Joaquin replied, "I don't think that's true."

Joaquin said that many refugees were fearful about reporting to the police because of their immigration status.

Cooke said, "We have not had that concern [of reporting undocumented aliens to the Immigration and Naturalization Service] for some time. We don't care one bit what a person's immigration status is--just whether they were the victim or witness to a crime."

Joaquin said, "To the extent the police show concern, that's what everyone wants. I think every opportunity to publicize their position [on not reporting to INS] is good."

Cooke added, "To us, a crime is a crime. We are concerned with the victims of crimes for whatever purpose, whether political or not."

Showing those political motivations, according to activists, is the key to finding the link that connects the incidents. "Often harassment is hard to nail down as politically motivated," said Woodard. "To an outsider it might look like an ordinary crime or a coincidence to be followed going home from a political meeting, but it doesn't seem that way to the refugees themselves."

Cooke said, "We just don't know the connections." He mentioned one incident in which the roommate of one of the people on the death list was chased by four men and shot from behind. He said, "We don't know if this happened because he was the roommate of someone on the death list, or just the victim of a standard crime."

CASH ONLY BONDS PROPOSED FOR RELEASE OF ALIENS IN INS DETENTION

The Immigration and Naturalization Service (INS) has proposed requiring the deposit of cash bonds for the release of aliens in deportation or exclusion proceedings, many of whom are asylum seekers.

The proposed rule, published in the July 1 Federal Register, would eliminate bonds backed by surety companies, and establish a cash bond system. Bonds for aliens in INS proceedings average about $2,500, according to immigration lawyers.

Low-income persons are generally released on "surety" bonds, whereby a surety or insurance company pledges to pay if the detainee absconds.

Their elimination would likely result in increased detention as well as increased "voluntary departure," according to lawyers knowledgeable in the field.

The INS says that the proposed rule would eventually prevent the loss of millions of dollars. The notice in the Federal Register said that many agents "seeking to make a quick dollar" would post bonds in one state for release of an alien in another state. Due in part to this practice of "long-arming," the INS says that it is owed $11.4 million in breached surety bonds.

"The failure of the present surety bond provisions to ensure alien appearance and minimize monetary loss to the government is clear," the INS charged.

Critics Say Rule Would Result in Increased Detentions Carlos Holguin, general counsel to the National Center for Immigrants' Rights (NCIR), said, "It is difficult to fathom why the INS cannot accept bonds backed by surety identical to that uniformly deemed sufficient by every other federal entity that requires bonds, including the federal criminal courts."

Holguin discounted INS claims about the significance of breached surety bonds. In a letter to the INS opposing the rule, the NCIR wrote, "It is our experience that many such bonds are deemed 'breached' only because the INS administrative apparatus for verifying the address or departure of bonded persons is grossly inadequate."

Roger Winter, director of the U.S. Committee for Refugees, noted that the rule would force many asylum seekers to remain in detention for prolonged periods of time, waiting the outcome of their claims.

In a letter to the INS, Winter wrote, "We suggest that a requirement to post cash bonds would force many asylum seekers to choose between the very real dangers of incarceration here and the dangers of return to a country where they fear persecution--a situation unacceptable from a refugee protection standpoint and demeaning as U.S. national policy."

The NCIJ is currently evaluating the feasibility of litigation to challenge the proposed cash bond requirement. The INS has said that if legal action is taken to enjoin the proposed rule, the present regulation would remain in effect.

ROMANIA MOST-FAVORED-NATION STATUS RAISES BROAD ISSUES ABOUT USE OF JACKSON-VANIK

Emigration from Romania continues to be substantial, according to testimony from Rozanne Ridgeway, assistant secretary of state for European and Canadian affairs, before a House subcommittee on July 30.

Although noting that the departure

process is usually lengthy and the procedures, harsh, Ridgeway said, "We have been able to mitigate some of the hardships for the applicants." According to the State Department, Romanian emigration figures for 1986 were 1,996 to the United States, 11,944 to West Germany, and 1,282 to Israel. Since the beginning of this year, the United States has received about 1,200 new approvals for persons qualified to enter the United States. Ridgeway said that there are about 3,000 names of people eligible to emigrate to the United States on the representation lists that the U.S. embassy in Bucharest regularly submits to the Romanian government.

Congress Threatens Suspension of Most Favored Nation Trade Status Although the numbers of people permitted to emigrate have been a relative source of satisfaction to U.S. policymakers, the human rights situation within Romania continues to cause concern.

In July, Amnesty International released a new report on human rights abuses in Romania, which documents consistent violations of rights to free expression, fair trial, and humane treatment. The Amnesty report also documents continuing persecution of would-be emigrants, citing, for example, the case of a father who, after being refused permission to take his seven-year-old son abroad for medical treatments, was arrested for trying to leave the country illegally.

Citing continuing human rights abuses in Romania, the House on April 30 and the Senate on June 26 passed amendments to the omnibus trade bill calling for a six month suspension of most-favored-nation (MFN) trade status to Romania. During the suspension, the President would be required to assess the status of religious liberty and political freedom in the country.

On June 2, President Reagan announced that he would renew MFN status to Romania for another year. He would be required to veto the entire trade bill, however, if the suspension is not to go into effect.

Suspension Would Expand Trade Criteria Beyond Jackson-Vanik Amendment The trade bill amendments have far-reaching implications, according to Ridgeway. MFN status was formally linked to emigration policies in the Jackson-Vanik Amendment to the 1974 Trade Act. Linking it to a broader set of human rights concerns beyond emigration, the government contends, would force it to terminate MFN altogether, causing the United States to lose leverage on emigration practices.

Ridgeway testified, "Whereas Jackson-Vanik focuses on emigration, these amendments apply a much broader standard which, in addition to emigration, specifies 'substantial progress in halting the persecution' of Romanian citizens 'on religious and political grounds' and the 'repression' of 'Hungarians and other minorities within Romania.'"

Ridgeway said that the new, broader criteria for MFN certification would make it difficult for the President ever to restore MFN to Romania. "Suspension under these terms could therefore be tantamount to outright termination of MFN," she said.

When asked whether congressional intent was to expand MFN criteria beyond emigration, an aide to Sen. Paul Trible (R-Va.), a leading advocate for MFN suspension, told Refugee Reports, "That's right."

Meetings and Conferences

° The Canadian Human Rights Foundation will hold a conference on Human Rights and the Protection of Refugees under International Law, from Sunday, November 29 to Wednesday, December 2 at the Universite du Quebec a Montreal.

The conference will feature discussion papers by international refugee law experts, including Barry Stein, Howard Adelman, Zia Rizvi, Guy Goodwin-Gil, Gervase Coles, and Julius H. Grey.

Full registration, before October 16, is $110. For further information, contact the Canadian Human Rights Foundation, 1980 Sherbrooke St. W., #340, Montreal, Quebec, Canada H3H 1E8. (514) 932-7826.

° The New York Association for New Americans is presenting a conference, "The Refugee Physician--In Search of Solutions," Sunday and Monday, November 8 and 9 at the New York Penta Hotel. For further information, contact NYANA, 225 Park Avenue South, New York, NY 10003.

° The third annual meeting of the Society for Traumatic Stress Studies will hold a conference, "A World View of Traumatic Stress: Similarities and Variations," October 23 to 26 at the Baltimore Marriott Inner Harbor.

The meeting will focus on similarities and differences in traumatic stress reactions and their treatment with regard to race, gender, nationality, and culture.

Pre-registration before October 1 is $150 for members, $210 for nonmembers. For further information, contact the Society for Traumatic Stress Studies, P.O. Box 2106, Dayton, OH 45401-2106.

° The "1987 Refugee Health Conference" will be held at Appleton, Wisconsin, September 23 and 24. Discussions will focus on the roles of bilingual health professionals and paraprofessionals, clinical and epidemiological updates on hepatitis B, and refugee children health services.

For further information about the content of the conference, call Tam Phan, director of the Wisconsin Refugee and Immigrant Health Program, (608) 267-9000. For information about registration and accommodations, call Kathie Wilkinson, (414) 733-8562.

Reader Exchange

° A new national organization of Central American refugees has been formed to represent the interests of Central American refugees living in the the United States. CARNET, the Central American Refugee Network, elected Roberto Alfaro, associate executive director of El Rescate in Los Angeles, as its president at a meeting July 4 and 5 in Washington, D.C.

The assembly included in its priorities promoting the right of Central Americans to seek refugee status and political asylum and supporting the Moakley-DeConcini bill (see Recent Developments).

For more information about CARNET, contact the Central American Refugee Center, in Washington, D.C. (202) 328-9799 or El Rescate, in Los Angeles (213) 387-3284.

Resources

REFUGEE POLICY GROUP STUDIES SAFE HAVEN

Decisions to grant safe haven--temporary protection against return to dangerous conditions, as opposed to a permanent grant of asylum--have been influenced more by short-term U.S. foreign policy goals and concerns about immigration impacts rather than by humanitarian factors, according to a study recently published by the Refugee Policy Group (RPG).

"Safe haven decisions have been ad hoc, politicized, and even, capricious," the report says. "The United States has not taken seriously its role as a country of first asylum, despite the presence of thousands of people claiming to be political exiles."

The 91-page report, Safe Haven: Policy Responses to Refugee-Like Situations, examines the mechanisms of safe haven decisions in the United States--with particular attention focused on extended voluntary departure (EVD). It also includes a survey of safe haven practices in other western, industrialized democracies.

The authors conclude that existing administrative decisions to grant or not grant EVD are insufficient. They call for a new safe haven law, to avoid having decisions made on a purely discretionary basis (see Update and Recent Developments). "There is a need for a mechanism recognized in statute," the authors contend, "separate from asylum and withholding of deportation, through which individuals and groups who do not meet the refugee definition can receive permission to remain in the United States because conditions in their home country will not allow their safe return."

While recommending a legislative approach, the RPG report recognizes the need for executive branch discretion. The report contends, however, that current practice, particularly regarding EVD, has "tilted too far" in this direction, and now is in need of legislative oversight.

In comparing the U.S. approach with that of Canada and European countries, the Refugee Policy Group noted the use of independent bodies by some other countries for more objective and humanitarian decision-making.

GRANTS OF EXTENDED VOLUNTARY DEPARTURE
(1960 to the Present)

Cuba	1960 to passage of the Cuban Refugees Adjustment Act, Nov. 2, 1966
Dom. Rep.	Oct. 18, 1966 to April 26, 1978 (for arrivals from April 1965 to June 1966)
Czecho.	Aug. 21, 1968 to Dec. 30, 1977
Chile	April 1971 to Dec. 1977
Cambodia	1975 to passage of the Indochinese Refugees Adjustment Act, Oct. 28, 1977
Vietnam	April 4, 1975 to passage of the Indochinese Refugees Adjustment Act, Oct. 28, 1977
Laos	July 9, 1975 to passage of the Indochinese Refugees Adjustment Act, Oct. 28, 1977
Lebanon	Feb. 12, 1976 (blanket EVD withdrawn, but INS directed to view individual cases "sympathetically")
Ethiopia	July 12, 1977 to Aug. 26, 1981, then reinstated from July 1982 to present for arrivals prior to June 30, 1980
Hungary	Dec. 30, 1977 to April 29, 1981
Romania	Dec. 30, 1977 to April 29, 1981
Uganda	June 8, 1978 to Sept. 30, 1986
Iran	April 1979 to Nov. 13, 1979
Nicaragua	July 3, 1979 to Sept. 28, 1980
Afghan.	Dec. 1980 to present
Poland	Dec. 1981 to present, for arrivals prior to July 21, 1984

Sources: Sharon Stephan, "Extended Voluntary Departure and Other Grants of Blanket Relief from Deportation," February, 1985. Congressional Research Service, Library of Congress, and David H. Laufman, "Breach of Faith: Political Bias in U.S. Refugee Policy Since the Refugee Act of 1980," unpublished manuscript.

The report suggests that an independent body could also act in the United States to balance the various criteria used in making safe haven decisions.

Safe Haven also recommends that the Bureau for Refugee Programs in the State Department and the Office of the U.S. Coordinator for Refugees should be involved in asylum and safe haven issues, and not be relegated only to refugee resettlement matters.

The report says there should be greater flexibility in safe haven decisions. Rather than blanket grants of EVD for a particular nationality, the authors suggest that case-by-case determinations would be more desirable in some instances.

In the event of mass influxes of people seeking safe haven, the authors write, "the United States could consider the establishment of camps or centers for people who should not be returned to their country." Noting this to be a controversial idea, the authors insist it could only be considered under extreme circumstances and as a temporary measure.

On the other hand, the authors reject the use of cut-off dates to minimize magnet effects (i.e., restricting safe haven to those who entered before a specific date). "Since safe haven is primarily a policy of no return," the report says, "it is inhumane to send people back to dangerous circumstances on the basis of their date of entry, if the latecomers will face the same problems upon return as those who came into the United States at an earlier time."

Safe Haven is available for $5.50, including postage, from the Refugee Policy Group, 1424 16th St., NW, Suite 401, Washington, DC 20036. (202) 387-3015.

REFUGEES FROM SURINAME, CHAD HIGHLIGHTED

Two issue briefs from the U.S. Committee

for Refugees report on the flight of Surinamese Maroons to French Guiana and on pressure being exerted on Chadian refugees in western Sudan to repatriate.

The first report, "Flight from Suriname: Refugees in French Guiana," is based on a USCR site visit in January and February. The report says that there are widespread indications--including accounts of massacres of women and children--that the Maroons, as a group, are targets of Surinamese government persecution.

"The majority of people who have fled Suriname are unquestionably refugees," the report states, "and as such, they should fall under the protection of the United Nations High Commissioner for Refugees."

The other issue brief, "When Refugees Won't Go Home: The Dilemma of Chadians in Sudan," treats a group of refugees who, despite pressure to return, have thus far refused to do so. The paper discusses a series of measures taken by UNHCR that make their stay in Sudan more difficult.

The reports are available from the U.S. Committee for Refugees, 815 15th St., NW, Suite 610, Washington, DC 20005. (202) 667-0782. Please include $2 per issue brief for postage and handling.

VIETNAMESE REFUGEE AS HERO

While most post-Vietnam war novels have focused on the American soldier and his return home, a new novel, The Exile of Sergeant Nen, explores the Vietnamese soldier who cannot go home.

A waiter in Arlington, Virginia, Sergeant Nen lives with the memories of war, corruption, defeat, flight, but also with the challenge of a new life and his commitment to find an honorable way to live it. His desire to become independent is challenged by a web of characters--his relatives, his general--who want to pull him back. With dignity and courage, Nen makes his choice. In addition to capturing the feeling of exile and a picture, not altogether flattering, of the refugee community, the novel explores a man's struggle with duty, with obligations to family, to causes, and to the truth.

Written by Vietnam veteran Stephen Fleming, The Exile of Sergeant Nen is published by Algonquin Books of Chapel Hill and is available through local bookstores.

BOOK CHRONICLES CAMBODIAN REFUGEE RELIEF EFFORT

"Death. It seems like every part of my story ends in death. I'm sorry."

This is how one Cambodian begins his account of four nightmarish years under the brutal Khmer Rouge regime. Within 16 months of the Khmer Rouge takeover in April 1975, Seang M. Seng had lost his entire family to starvation and overwork.

When the Vietnamese invaded Cambodia in January 1979 and drove the Khmer Rouge into exile in Thailand, Seng returned to the capital city of Phnom Penh and went to work in a hospital. He had been a medical student in 1975, and the new regime was desperate for trained staff. Most of Cambodia's 600 doctors had been exterminated in the paranoid purges by the Khmer Rouge.

In November 1979, Seng made his way to the Thai border after hearing rumors that he would be sent to Russia or Vietnam for further medical training. He was one of the first to enter the new refugee camp called Khao I Dang, which would swell to a population of 150,000 within two months, making it, for a time, the second largest Khmer city in the world.

Years of Horror, Days of Hope: Responding to the Cambodian Refugee Crisis chronicles the massive international relief effort that was launched in 1979 to assist the 1.5 million Cambodians who sought food and shelter at the Thai-Cambodian border and the several million more displaced and hungry within the country.

The book, edited by Barry S. Levy and Daniel C. Susott, both physicians and public health specialists, collects observations, essays, and anecdotes by more than 50 participants in this effort: program administrators, volunteer workers, physicians, nurses, epidemiologists, nutritionists, sanitarians, disaster specialists, as well as refugees themselves.

"Do not make yourself indispensable. Keep a low profile. Examine your motives," suggests the coordinator of a medical training program for refugees. One of her primary tasks was the translation of the text, Where There Is No Doctor, into Khmer in order to foster Cambodian self-sufficiency

in health care. A recurring and ironic note sounded by many of the authors, most of whom have health care backgrounds, is that there were too many doctors at the Thai-Cambodian border.

Frederick Cuny, an emergency operations advisor to the UN High Commissioner for Refugees, notes a survey undertaken shortly after the start-up of relief operations which indicated that about two-thirds of all expatriate personnel in the camps were with medical teams, "despite the fact that only an estimated 2 to 5 percent of the refugee population required medical assistance." Cuny adds that most of the attention was paid to surgical or curative medical care rather than on preventive measures, such as immunization, nutrition, sanitation, and health education.

A team of Harvard physicians visiting Thailand in early 1980 was critical that Thai and refugee health professionals and health workers were insufficiently involved in the delivery system, there were "essentially no programs in community mental health," and "the necessary change from relief to development planning was only beginning to take place."

Years of Horror, Days of Hope offers an account of the early and more hopeful days of the Cambodian refugee relief effort, when the needs were deeply human and overwhelmingly clear. Seven years later, the camps are still there, as are many of the needs.

The 370-page book is available in paper for $29.95, and in cloth for $55, from the Associated Faculty Press, Inc., 19 West 36th St., New York, NY 10018. (212) 307-1300.

RMC BIBLIOGRAPHY AVAILABLE

The Refugee Materials Center, set up by the U.S. Department of Education to help provide information for educators working with refugees, has issued an updated bibliography of refugee materials. The updated list includes resources received from December 1, 1984 through November 30, 1986.

To order a free copy of the bibliography, send your name, title, school or agency, mailing address, and phone number to the Refugee Materials Center, U.S. Department of Education, 10220 N. Executive Hills Boulevard, 9th floor, Kansas City, Missouri 64153.

COOKBOOKS BRING REFUGEE FLAVOR TO AMERICA

Whether encountered in exotic restaurants or in one's own kitchen, among the most noticeable contributions of refugees to American culture are the culinary secrets brought from their homelands.

Far Away and Downeast, recipes from the Maine refugee community, is a collection of recipes from Iran, Laos, Cuba, Poland, Vietnam, Cambodia, and Afghanistan. All proceeds from cookbook sales go towards refugee assistance in Maine. Cookbooks are available for $6.95, plus $1 for postage and handling, from the Refugee Resettlement Program, 107 Elm Street, Portland, ME 04101.

Also available is the Vietnamese Gourmet Sampler. This cookbook includes favorite Vietnamese recipes and a list of Vietnamese markets and restaurants in the Oregon area. This book is available for $2, plus $1.75 for postage and handling, from the International Refugee Center of Oregon, 1827 N.E. 44th Avenue, Portland, OR 97213.

To sample the tastes from another part of the world, Afghan Food and Cookery (Noshe Djan), by Helen Saberi, tells how to prepare Afghan meals. The illustrated cookbook is available from the University Press of Virginia, Box 3608, University Station, Charlottesville, VA 22903 for $10.95 paper, $15.95 cloth, plus $1.50 for postage and handling.

Also available from the University Press of Virginia at the above address is a collection of recipes from Laos prepared by Phia Sing, the late royal chef at the Palace of Luang Prabang. Traditional Recipes of Laos includes drawings, a bibliography, and an essay entitled "Lao Eating Habits and Attitudes to Food." To order, send $20 cloth, $15.95 paper, plus $1.50 postage and handling.

The Hmong gardeners in Minnesota's New Citizens' Hmong Garden Projects have collected their favorite recipes. To obtain a copy of the 54-page Hmong Recipe Cookbook, either stop by the Minneapolis/St. Paul farmer's market or send $4.50 to the First Presbyterian Church, 535 20th Avenue, North and South St. Paul, MN 55075. (612) 451-6223.

LEGAL DEPARTURES FROM VIETNAM FOR COUNTRIES OF RESETTLEMENT

Resettlement Countries	June-Dec 1979 Total	1980 Total	1981 Total	1982 Total	1983 Total	1984 Total	1985 Total	1986 Total	Jan.-May 1987 Total	Cumulative Total
United States	289	1,397	2,297	3,871	8,242	13,304	13,322	10,988	5,094	58,804*
Canada	58	341	1,601	1,946	3,253	7,623	5,837	2,373	861	23,893
France	591	1,806	2,231	2,150	2,229	1,618	1,394	801	127	12,947
Australia	112	41	63	184	904	2,776	2,087	2,856	651	9,674
Germany Fed. Rep.	392	333	1,180	629	1,678	1,733	1,148	564	91	7,748
United Kingdom	20	77	394	200	844	609	314	213	11	2,682
Belgium	280	226	643	359	448	333	137	77	3	2,506
Sweden	6	9	509	212	225	168	83	98	30	1,340
Netherlands	141	28	130	78	177	208	133	52	12	959
Norway	-	1	122	23	197	236	158	101	6	844
Switzerland	44	80	212	82	117	86	29	42	11	703
Italy	23	61	70	72	164	93	50	32	1	566
Austria	-	9	100	50	100	70	44	23	4	400
New Zealand	-	21	28	24	115	78	44	53	9	372
Denmark	2	1	47	22	74	54	32	37	19	288
Ivory Coast	5	67	26	19	39	60	5	12	9	242
Japan	-	25	35	23	32	21	16	46	16	214
New Caledonia	6	23	21	39	36	15	19	11	5	175
Hong Kong	7	77	22	11	18	11	7	-	-	153
Luxembourg	-	13	24	13	12	3	1	4	8	78
Finland	-	-	19	12	15	5	10	9	3	73
Greece	-	-	-	1	13	7	14	4	1	40
Ireland	-	-	-	4	9	3	6	4	3	29
Senegal	-	-	-	7	-	10	2	-	-	19
Iceland	-	-	-	-	12	4	1	-	-	17
Philippines	-	3	-	2	-	-	6	-	-	11
Singapore	-	3	5	1	-	-	-	-	-	9
Other Countries	3	64	36	23	25	26	41	18	4	240
TOTAL	1,979	4,706	9,815	10,057	18,978	29,154	24,940	18,418	6,979	125,026

* Some variation occurs between State Department and UNHCR totals for the United States because of variations in the point at which counts are taken.

Source: UNHCR

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